

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL CITY BANK,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 07 C 6380
)	
CREATIVE FINANCIAL SOLUTIONS, LTD.;)	Judge Bucklo
EUGENE BENNETT; CHARLES WHITE;)	
SHELLY V. ROLLINSON; and TOMMY G.)	Magistrate Judge Cole
PILILIMIS,)	
)	
Defendants.)	
)	

**PLAINTIFF NATIONAL CITY BANK'S MOTION FOR
DEFAULT JUDGMENT AGAINST DEFENDANT SHELLY V. ROLLINSON**

NOW COMES National City Bank d/b/a Accubanc Mortgage Corporation (“Plaintiff” or “National City”), by and through its undersigned counsel of record and pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, hereby moves this Court for an entry of default and default judgment against defendant, Shelly V. Rollinson (“Rollinson”), for failure to answer or otherwise plead. In support of its motion, Plaintiff states as follows:

1. On November 30, 2007, Plaintiff filed its First Amended Complaint (“Complaint”) against Rollinson, and numerous other defendants, asserting numerous causes of action arising from the defendants’ intentional and tortious scheme to defraud National City by providing false information to National City regarding certain mortgage loans purchased by them. (*See* Affidavit of Matthew T. Mitchell, attached hereto as Exhibit “A”, ¶ 2). In particular, Plaintiff filed suit against Rollinson asserting the following causes of action in connection with her misrepresentation of appraisal information for certain loans purchased by Plaintiff: Civil Conspiracy; Aiding and Abetting a Fraud; and Negligent Misrepresentation. (Exh. A, ¶ 2).

2. On December 21, 2007, service of the Summons and a copy of the Complaint was made on Rollinson by means of service by authorized or specially appointed process server, as evidenced by the returns of service filed of record in this case. (*See* Copies of Summons and Affidavit of Service, attached hereto as Exhibit “B”; *see also* Exh. A, ¶ 3).

3. Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Rollinson was required to answer or otherwise plead within twenty (20) days of service. (Exh. A, ¶ 4). Rollinson was, therefore, required by law to respond to Plaintiff’s Complaint by or on January 10, 2008. (Ex. A, ¶ 4).

4. However, to date, Rollinson has failed to answer, otherwise plead or file an appearance in response to Plaintiff’s Complaint. (Exh. A, ¶ 5).

5. Rule 55 provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” Fed. R. Civ. P. 55(a).

6. Pursuant to Rule 55 of the Federal Rules of Civil Procedure, National City is entitled to a default against Rollinson. Accordingly, Plaintiff respectfully requests this Court for an entry of default and default judgment against Rollinson for the amount sought in its Complaint, plus interest, costs, and any other relief this Court deems proper.

WHEREFORE, Plaintiff National City respectfully requests this Court for an entry of default and default judgment against Rollinson for the amount sought in its Complaint, plus interest, costs, and any other relief this Court deems proper.

Respectfully submitted this the 6th day of March, 2008.

NATIONAL CITY BANK

By: /s/ Ryan Taylor
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